

REMARKS

Initially, applicant would like to express his appreciation to Examiner Quynh H. Nguyen for the courtesies extended to attorney James Milton during telephone conversations on January 15, 2009. The telephone conversations involved a discussion of the Office Action mailed on December 16, 2008. Examiner Nguyen agreed that the current Office Action mailed on December 16, 2008 does not reflect new claims 21-22 submitted in October 2008. Examiner Phan agreed to review the claims, and Examiner Phan contacted Attorney Milton to discuss claims 21-22 after researching the prior art.

Claims 15-16, 21 and 23-42 are pending in the application. Claim 20 was rejected under 35 U.S.C. § 101. Claims 1 and 15 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-14 and 17-20 were rejected under 35 U.S.C. § 103 (a). Claim 15 was objected to. Claim 16 was allowed.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claim 16 is allowed. Also, applicant appreciates the Examiner's indication that claim 15 contains allowable subject matter and would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112.

Rejection Under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 because the Office Action states that the invention is directed to non-statutory subjected matter.

Claim 20 has been canceled.

Rejection Under 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph because the Office Action states that claim 1 omits essential subject matter.

Claim 1 has been canceled.

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph, because the Office Action states that claim 15 has insufficient antecedent basis.

Applicant has responded by amending claim 15 to provide proper antecedent basis.

Rejection Under 35 U.S.C. § 103 (a)

Claims 1-14, and 17-20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2005/0033684 issued to Benedyk et al. dated February 10, 2005 in view of U. S. Patent Number 6,792,102 issued to Shires on September 14, 2004.

Claims 1-14, 17-20 and 22 have been canceled. Claim 21, previously dependent from now canceled claim 1, has been amended to depend from claim 15 which the Examiner has indicated contains allowable subject matter. Thus, applicant believes that claim 21 is allowable.

New Claims

Claims 23-42 have been added. Claims 23-32, which are substantially similar to canceled claims 2-11, depend from claim 15, which the Office Action states is allowable. Claims 33-42, which are substantially similar to canceled claims 2-11, depend from claim 16, which was allowed. Thus, applicant believes that claims 23-42 are allowable. No new matter was added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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